City of Seattle

Greg Nickels, Mayor
Department of Planning and Development
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CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE DEPARTMENT OF PLANNING AND DEVELOPMENT

Application Number: 2307035

Applicant Name: Seattle Department of Transportation (SDOT)

Address of Proposal: 3100 Fremont Avenue North

SUMMARY OF PROPOSED ACTION

Shoreline Substantial Development Permit to repair and replace the existing north and south approaches to the Fremont Bridge. Additional improvements include seismic retrofit, and strengthening of the support structures, and new light and pedestrian features. The existing Office/Maintenance Building will be demolished as part of this permit. Replacement of the O/M Building is being reviewed under separate permit (Master Use Permit application number 2404808.) Environmental documents prepared by Seattle Department of Transportation (SDOT).

The following approvals are required:

Shoreline Substantial Development Permit to repair a bridge in the Urban Stable, Urban General, and Conservancy Navigation Environments. (Seattle Municipal Code 23.60.600, 23.60.242, and 23.60.780)

SEPA - To approve or condition pursuant to Seattle's SEPA policies. Chapter 25.05.600, Seattle Municipal Code. (Environmental documents prepared by SDOT)

SEPA Determination: [ ] Exempt [X]* DNS [ ] MDNS […] EIS

[ ] DNS with Conditions

[ ] DNS involving non-exempt grading, or demolition, or another agency with jurisdiction.

*Determination of Non-significance issued by Seattle Department of Transportation.

BACKGROUND DATA

Site and Vicinity Description

The project is to replace the existing north and south approaches to the Fremont Bridge. The Fremont Bridge is an existing bascule (drawbridge) bridge that spans the Lake Washington Ship Canal, in North Seattle. The project area includes the Fremont Avenue North right-of-way from approximately North 34th Street on the north side of the Fremont Bridge to Florentia Street on the south side of the bridge.

The site is zoned Commercial 2 with a 40-foot height limit, and Industrial Commercial with a 65-foot height limit (C2-40' and IC-65'). Shoreline environments include Urban Stable, Urban General, and Conservancy Navigation (US, UG, and CN). Surrounding zoning also includes Neighborhood Commercial 2 with a 40-foot height limit and Neighborhood Commercial 3 with a 65-foot height limit (NC2-40' and NC3-65)'.

The properties adjacent to the site are developed with a variety of uses including, offices, warehouses, industrial, and a few smaller retail uses (mortuary, restaurants and similar uses.) The Burke-Gilman Trail runs along the project site on the north side of the Ship Canal, and the Ship Canal Trail is adjacent to the site on the south side of the canal.

There is a mapped steep slope environmentally critical area on the west side of the bridge near the south approach, but no work is proposed for that area. The project site is located within 200 feet of the US Government Meander line.

Proposal Description

The City of Seattle Transportation Department proposes to replace the substandard Fremont Bridge approaches (north and south) to meet current design standards, and seismically retrofit and strengthen the north approach off-ramp. The Fremont Bridge is an existing bascule bridge and the approaches are the elevated roadways at each end of the bridge that connect to city streets. The improvements would replace the existing structures for the north and south approaches at the same locations as the existing structures, with no increase in height or width. Sidewalks, lighting and railings on the approach structures would also be replaced. The mechanical/electrical system for the bascule bridge will be upgraded. Existing submarine cables (in place since 1917) that provide power and communications to the north bascule potion of the bridge, which currently lay on the bottom of the Ship Canal, will also be replaced in approximately the same location. The bascule bridge portion will not be affected by this project.

Stormwater facilities will be modified to provide oil-water separation and water quality vaults as required under the City of Seattle's Stormwater, Grading and Drainage Ordinance (Title 22.800). The existing stormwater outfalls will be replaced as closely as possible to the current discharge points.

The City also proposes to remove and replace the existing Operations and Maintenance (O/M) Building located underneath the southern approach and upgrade the electrical and mechanical system used for the bridge. Demolition of the O/M Building will be completed as part of this permit. Replacement of the O/M Building is being currently being reviewed under Master Use Permit Application No. 2404808.

The Fremont Bridge approach replacement project will take approximately 30 to 34 months to complete, beginning in 2005. This time period will include approximately 18 months to replace the approaches as well as an additional six months to complete the construction of the new mechanical and electrical system. The O/M Building construction will follow the electrical and mechanical work and will take up to nine months to complete (See MUP Application No. 2404808). During construction, the project will maintain full bridge operations (two lanes each way and both sidewalks) for 9 to 12 months while constructing a new micro-pile substructure beneath the existing structure deck, followed by a half bridge closure (one lane in each direction and one sidewalk maintained) for 9 to 12 months while the approach structure deck is replaced one half at a time. It is estimated that as many as fifteen full bridge closures, of approximately two day duration, may be necessary during the course of the project.

The construction staging area will be at or near the bridge approaches, within the City of Seattle right-of-way. A portion of the Burke-Gilman Trail, east of the project site, will be used for construction access. The Burke-Gilman Trail (north side of the Ship Canal) and Ship Canal Trail (south side of Ship Canal) will be closed in the vicinity of the project during the construction period due to safety concerns. Users of the trails will be detoured around areas of construction.

Public Comments

The official comment period for this Shoreline Substantial Development permit project ended on July 30, 2004. One email was received, with comments regarding a number of issues including pedestrian and transit access during construction and potential view impacts of the O/M Building replacement.

The Seattle Transportation Department issued a SEPA Determination of Non-significance (DNS) for this project in November 2004. The appeal period ended on December 1, 2004, and the project was not appealed.

ANALYSIS - SHORELINE SUBSTANTIAL DEVELOPMENT PERMIT

SMC Section 23.60.030 provides criteria for review of shoreline substantial development permits. Specifically, the section states that a substantial development permit shall be issued only when the proposed development is consistent with:

A. The policies and procedures of Chapter 90.58 RCW;
B. The regulations of this Chapter; and
C. The provisions of Chapter 173-27 WAC.

Chapter 90.58 of the Revised Code of Washington (RCW) codifies the State's policies with respect to managing shorelines and fostering reasonable and appropriate shoreline uses. Specifically, the Act contemplates protection against adverse effects to the public health, the land and its vegetation and wildlife, and the waters of the state and their aquatic life. The Act further provides definitions and concepts and delegates responsibility for implementation to specific state and local governmental entities. Local governments are given primary responsibility for initiating and administering the regulatory program of the Act. The State Department of Ecology (DOE), on the other hand, is given responsibility for insuring compliance among local governments with the policy of the State and provisions of the Act. Pursuant to the requirements of the Act, the City of Seattle has adopted a local shoreline master program that has been approved by the DOE. The City of Seattle Shoreline Master Program (SSMP) is codified in SMC Chapter 23.60.

In evaluating applications for shoreline substantial development permits, the Director must determine that a proposed use meets the criteria set forth in SSMP 23.60.030. Specifically, development standards of the shoreline environment and underlying zone must be considered and a determination must be made whether any special permit requirements or conditions are necessary to preserve or enhance the shoreline area. In order to obtain a shoreline substantial development permit, an applicant must demonstrate that the proposal is consistent with the shoreline policies established in SSMP Section 23.60.004. Additionally, the applicant must further demonstrate that the proposal meets the criteria and development standards for the specific shoreline environment in which the site is located, any applicable special approval criteria, general shoreline master program development standards, and the development standards for specific uses.

Shoreline Policies (RCW 90.58 and SSMP 23.60.004)

Policies governing approval of development in shoreline districts are set out in the Land Use Element of the Seattle Comprehensive Plan and referenced in SSMP Section 23.60.004. Seattle's Comprehensive Plan Shoreline Goals and Policies do not specifically address existing bridges, however, water-dependent uses such as bridges are generally given preference on waterfront lots in the shoreline. Where public access is addressed, safety of that access is a priority, per Policy L321 which reads: "Promote public enjoyment of the shorelines through public access standards by requiring improvements that are safe, well designed and offer adequate access to the public." Bridges are given special consideration throughout the Shoreline Chapter of the Land Use Code. For example, bridges "necessary to cross a water body" are permitted in the shoreline where other new streets are more generally restricted, per SMC23.60.206. Bridges are a permitted use (either outright, as a special or conditional use) in all shoreline environments except the Conservancy Waterway.

This project is a repair and upgrade of existing approaches to the Fremont Bridge. It can reasonably be concluded that the proposed use is consistent with the shoreline policies of the City of Seattle.

General Development Standards

These general standards apply to all uses in the shoreline environments. The standards require that design and construction of all uses be conducted in an environmentally sound manner, consistent with the Shoreline Management Program and with best management practices for the specific use or activity. SSMP 23.60.152 sets forth the general development standards with which all uses must comply, including best management practices.

WAC 173-27 establishes basic rules for the permit system to be adopted by local governments, pursuant to the language of RCW 90.58. It provides the framework for permits to be administered by local governments, including time requirements of permits, revisions to permits, notice of application, formats for permits, and provisions for review by the State's Department of Ecology (DOE). As the Seattle Shoreline Master Program has been approved by DOE, consistency with the criteria and procedures of SMC Chapter 23.60 is also consistency with WAC 173-27 and RCW 90.58.

The north approach is located in the UG Shoreline environment, the south approach is located in the US environment, and the submarine cables to be replaced are located in the Ship Canal which is in the CN environment. The following will include an analysis of the general development standards that pertain to all uses in the shoreline, with additional analysis for each relevant shoreline designation.

Pursuant to SMC 23.60.152, all uses and developments shall be subject to the following general development standards:

A. The location, design, construction and management of all shoreline developments and uses shall protect the quality and quantity of surface and ground water on and adjacent to the lot and shall adhere to the guidelines, policies, standards and regulations of applicable water quality management programs and regulatory agencies. Best management practices such as paving and berming of drum storage areas, fugitive dust controls and other good housekeeping measures to prevent contamination of land or water shall be required.

B. Solid and liquid wastes and untreated effluents shall not enter any bodies of water or be discharged onto the land.

The environmental documents prepared by SDOT included general and site specific water quality measures, including requirements for Temporary Erosion and Sedimentation Control (TESC) plans along with site specific practices at the project site. The TESC plan includes the use of two Baker tanks (6,500 gallon each) for temporary sedimentation control runoff storage, temporary triangular silt dikes (TSD), and inlet silt protection fabric on the north and south sides of the Ship Canal. The location, details and notes for TESC measures are shown on the plans (see plan sheets U 11 through U 15).

In addition, the applicant's consultant prepared a Biological Assessment of the project, which is attached as Appendix A of the SEPA checklist. A detailed construction sequence is provided on pages 14 through 16 of Appendix A. The Biological Assessment also includes best management practices

(BMPs) which will be implemented as part of the project. These are found on pages 16 through 19 of the Biological Assessment. These BMPs will be included as requirements in the contract specifications and include, but are not limited to:

- An approved stormwater pollution prevention plan on site at all times.
- An Erosion and Spill Control Lead who is certified by WSTOC/Associated General Contractors (AGC) on the site at all times during which work is performed.
- Use of water quality wet vaults (i.e. Baker tanks) and storm drain inlet protection catch basin inserts.
- Any painting over water will be appropriately enclosed and controlled to prevent contamination (such as dripping) of the surrounding environment.
- Dust control measures, including a fog mist, will be implemented according to City of Seattle *Construction Stormwater Control Technical Requirements Manual* (Seattle 2000a) and supplemented by BMP C140 of the *Stormwater Management Manual for Western Washington* (Ecology 2001). Dust emissions will also be required to meet Puget Sound Clean Air Agency regulations.
- Concrete handling and sawcutting BMPs will be employed.
- Construction stormwater chemical treatment will be employed if needed and construction stormwater filtration will be conducted.

The Contractor will also be required to submit a stormwater pollution prevention plan (SWPPP) that includes demarcation of vegetation clearing limits, installation of sediment control, soil stabilization and proper control and disposal of construction pollutants and concrete waste, among other elements.

Additional source control BMPs (vegetation retention, site stabilization and cleaning) and runoff conveyance and treatment BMPS (outlet/inlet protection, straw bale, silt fences and sediment traps) will also be provided as described in Appendix A.

According to the SEPA checklist, a Joint Aquatic Resources Permit Application (JARPA) was used to apply for a U.S Army Corps of Engineers Section 10 and 104 permits, Washington Fish and Wildlife Hydraulic Project Approval, and Ecology Section 401 Water Quality Certification. The JARPA application was made March 26, 2004, and permits are pending except for the Corp of Engineers Nationwide permits which were conditionally approved on June 24, 2004.

Compliance with relevant City codes will be required, including the City's Stormwater Ordinance to ensure that all waters are protected. Finally, prior to any approval by the US Coast Guard and any commencement of construction, WSDOE must certify that there is reasonable assurance that the project will meet all water quality standards.

Because imposition of these other federal, state and City requirements will be adequate to address water quality and quantity issues, and the BMPs discussed above, the Director is not requiring additional conditions targeted at those issues in this decision.

C. Facilities, equipment and established procedures for the containment, recovery and mitigation of spilled petroleum products shall be provided at recreational marinas, commercial moorage, vessel repair facilities, marine service stations and any use regularly servicing vessels with petroleum product capacities of ten thousand five hundred (10,500) gallons or more.

Not applicable.

D. The release of oil, chemicals or other hazardous materials onto or into the water shall be prohibited. Equipment for the transportation, storage, handling or application of such materials shall be maintained in a safe and leakproof condition. If there is evidence of leakage, the further use of such equipment shall be suspended until the deficiency has been satisfactorily corrected.

To protect water quality, the applicants shall incorporate the BMPs discussed under B above, which include a Stormwater Pollution Prevention Plan (SWPPP). Details of the spill control plan are found in Appendix A of the SEPA checklist.

E. All shoreline developments and uses shall minimize any increases in surface runoff, and control, treat and release surface water runoff so that receiving water quality and shore properties and features are not adversely affected. Control measures may include, but are not limited to, dikes, catchbasins or settling ponds, interceptor drains and planted buffers.

F. All shoreline developments and uses shall utilize permeable surfacing where practicable to minimize surface water accumulation and runoff.

G. All shoreline developments and uses shall control erosion during project construction and operation.

See response to subsections A and B above.

H. All shoreline developments and uses shall be located, designed, constructed and managed to avoid disturbance, minimize adverse impacts and protect fish and wildlife habitat conservation areas including, but not limited to, spawning, nesting, rearing and habitat areas, commercial and recreational shellfish areas, kelp and eel grass beds, and migratory routes. Where avoidance of adverse impacts is not practicable, project mitigation measures relating the type, quantity and extent of mitigation to the protection of species and habitat functions may be approved by the Director in consultation with state resource management agencies and federally recognized tribes.

According to the Biological Assessment (Appendix A), in-water work will occur only during the WDFW designated window: From October 1 through August 15. The project may affect but is not likely to adversely affect bald eagles, marbled murrelets, Chinook salmon or Coho salmon. Per the BA: "Overall, the proposed project will not adversely affect essential fish habitat for Pacific salmon. It is

likely to improve essential fish habitat over the long term by treating all potentially contaminated runoff from the project site."

I. All shoreline developments and uses shall be located, designed, constructed and managed to minimize interference with or adverse impacts to beneficial natural shoreline processes such as water circulation, littoral drift, sand movement, erosion and accretion.

In-water work is limited to replacement of submarine cables on the Ship Canal floor, and reconstructing two outfalls for stormwater runoff from the Fremont Bridge approaches. Outfalls will be located above the Ordinary High Water Mark. No adverse impacts to natural shoreline processes are anticipated.

J. All shoreline developments and uses shall be located, designed, constructed and managed in a manner that minimizes adverse impacts to surrounding land and water uses and is compatible with the affected area.

The Fremont Bridge is a permitted use in the zones it crosses. Hence, the bridge approach replacement project is also permitted. The bridge approach replacement project will allow the continued use of the Fremont Bridge. The Fremont Bridge is compatible with and facilitates surrounding land and water uses.

K. Land clearing, grading, filling and alteration of natural drainage features and landforms shall be limited to the minimum necessary for development. Surfaces cleared of vegetation and not to be developed shall be replanted. Surface drainage systems or substantial earth modifications shall be professionally designed to prevent maintenance problems or adverse impacts on shoreline features.

See responses to A and B above, and Biological Assessment at Appendix A.

L. All shoreline development shall be located, constructed and operated so as not to be a hazard to public health and safety.

The purpose of the Fremont Bridge Approach Replacement project is to replace the substandard Fremont Bridge approaches (north and south) to meet current design standards, and seismically retrofit and strengthen the north approach off-ramp. The project is intended to enhance safety.

M. All development activities shall be located and designed to minimize or prevent the need for shoreline defense and stabilization measures and flood protection works such as bulkheads, other bank stabilization, landfills, levees, dikes, groins, jetties or substantial site regrades.

The scope of work does not require any of these structural supports.

N. All debris, overburden and other waste materials from construction shall be disposed of in such a way as to prevent their entry by erosion from drainage, high water or other means into any water body.

See response to subsections A and B above, and Biological Assessment at Appendix A.

O. Navigation channels shall be kept free of hazardous or obstructing development or uses.

No new structures will be placed in the navigation channel. The replacement submarine cables will rest on the bottom of the Ship Canal.

P. No pier shall extend beyond the outer harbor or pierhead line except in Lake Union where piers shall not extend beyond the Construction Limit Line as shown in the Official Land Use Map, Chapter 23.32, or except where authorized by this chapter and by the State Department of Natural Resources and the U.S. Army Corps of Engineers.

Not applicable.

Q. Submerged public right-of-way shall be subject to the following standards:

1. All structures shall be floating except as permitted in subsection Q2 below;
2. Piling and dolphins may be permitted to secure floating structures only if the structures cannot be safely secured with anchors or with pilings or dolphins located outside of the right-of-way;
3. The maximum height of structures shall be fifteen feet (15');
4. Structures shall not occupy more than thirty-five (35) percent of the right-of-way and shall not occupy more than forty (40) percent of the width of the right-of-way;
5. A view corridor or corridors of not less than fifty (50) percent of the width of the right-of-way shall be provided and maintained; and
6. An open channel, unobstructed by vessels or structures for access to and from the water for public navigation and for access to adjacent properties shall be maintained.

See response to O, above.

R. Within all Shoreline Districts, submerged lands shall not be counted in calculating lot area for purposes of minimum lot area requirements of Single-family zones or density standards of other zones.

Not applicable.

Specific Development Standards

In addition to the general shoreline standards listed above, the proposal is subject to development standards for specific uses and the development standards of the Urban General, Urban Stable and Conservancy Navigation shoreline environments. These specific use and development standards are summarized below.

Development Standards for Outfalls

Pursuant to SMC 23.60.194, intakes and outfalls shall be subject to the following development standards:

A. All intakes and outfalls shall be located so they will not be visible at mean lower low water.

B. All intakes and outfalls shall be designed and constructed to prevent the entry of fish.

The existing outfalls on the north and south sides of the Lake Washington Ship Canal are being replaced. The outfalls will be placed six (6) to twelve (12) inches above the water line to prevent fish entry. The design also includes the use of plants such as willow stakes, red osier dogwood and ocean spray (as shown on the plans) to visually screen the outfall. Because the outfall design both prevents fish entry and is screened by vegetation so as to be visually obscured from view, this design meets both requirements of SMC 23.60.194.

Urban General Environment

A portion of the project area on the north side of the Ship Canal is located within the Urban General (UG) Shoreline Environment.

SMC 23.60.600 Uses permitted outright on waterfront lots in the UG Environment.

Bridges are permitted outright as a principal use in this environment.

SMC 23.60.632 Height in the UG Environment.

Bridges may exceed the maximum height limit.

SMC 23.60.818 Regulated public access in the UG Environment.

The Fremont Bridge Approach replacement project includes replacement of the existing sidewalks, lighting and railings on the approach structures. The existing pedestrian/bicycle stairs from the Burke/Gilman Trail to the northern approach and the Ship Canal Trail to the southern approach will be replaced after construction. During construction, a temporary bike lane will be provided on the north side of North 34th St between Stone Way and Fremont Avenue North while the Burke-Gilman Trail is closed, and detour signs will be used to alert bicyclists to alternate routes.

Permanent improvements for bicycle users planned to be provided include: widening of the southbound curb lane of Fourth Avenue North between Florentia Street and Nickerson Street to 14 feet to create more street space for bicyclists as they transition from the sidewalk to the street; relocating and/or removing poles and other vertical obstructions on the north and south ends of the bridge deck to create a clearer pathway for pedestrians and bicyclists; improving signage and lane-markers to help warn bicyclists and pedestrian of potential conflicts; adding a bicycle-only signal for the eastbound movements at North 34th Street and Fremont Avenue North; and trimming of bushes to improve visibility. To improve bicycle safety and mobility between Florentia and Nickerson Streets the City will acquire a small 'sliver' of land on the south side of the Ship Canal, which is part of a triangular-shaped parcel that is bounded by Florentia Street, West Nickerson Street and Fourth Avenue North.

These improvements and additions to pedestrian and bicycle access meet the code requirement for public access, per SMC 23.60.160.

Urban Stable Environment

A portion of the project area on the south side of the Ship Canal is located within the Urban Stable (US) Shoreline Environment.

SMC 23.60.600 Uses permitted outright on waterfront lots in the US Environment.

Bridges are a use permitted outright on waterfront lots in the Urban Stable Environment.

SMC 23.60.632 Height in the US Environment.

Bridges may exceed the maximum height limit.

SMC 23.60.882 Regulated public access in the US Environment.

Please see SMC 23.60.818 - Regulated public access in the UG Environment, above.

Conservancy Navigation Environment

The Lake Washington Ship Canal is located in the Conservancy Navigation (CN) Shoreline Environment. The project includes the replacement of existing submarine cables (in place since 1917) which currently lay on the bottom of the Ship Canal. These cables provide power and communications to the north bascule portion of the bridge, and will be replaced in the approximately the same location. To minimize disturbance, the cables will be laid on the bottom of the Ship Canal and allowed to sink down by their weight into the mud/silt. The existing cables are not expected to be removed as part of this project.

SMC 23.60.242 Special uses in the CN Environment.

The following uses may be authorized in the CN Environment by the Director as either principal or accessory uses if the special use criteria of Section 23.60.032 are satisfied:

A. Bridges;
B. Utility lines;
C. Underwater diving areas and reefs;
D. Aquaculture;
E. Natural beach protection to prevent erosion or to enhance public access; and
F. The disposal of dredged material at authorized dredge disposal sites established as a conditional use.

SMC 23.60.032 Criteria for special use approvals.

Uses which are identified as requiring special use approval in a particular environment may be approved, approved with conditions or denied by the Director. The Director may approve or conditionally approve a special use only if the applicant can demonstrate all of the following:

A. That the proposed use will be consistent with the policies of RCW 90.58.020 and the Shoreline Policies;

B. That the proposed use will not interfere with the normal public use of public shorelines;

C. That the proposed use of the site and design of the project will be compatible with other permitted uses within the area;

D. That the proposed use will cause no unreasonably adverse effects to the shoreline environment in which it is to be located; and

E. That the public interest suffers no substantial detrimental effect.

The proposed repairs and upgrades to the existing Fremont Bridge, which include seismic and safety improvements and updates to the electrical and communication cables, and improvements to stormwater and drainage facilities, sidewalks and pedestrian access, are consistent with the Shoreline goals and policies. The proposed improvements are planned to improve safety and access, and the existing design of the bridge will be maintained. The project will employ BMPs as described, above. As a result, no unreasonably adverse effects to the shoreline or substantial detrimental effect to the public interest are anticipated. The criteria for special use in the CN environment are satisfied.

Conclusion

DPD can approve development requiring a Shoreline Substantial Development Permit only if the proposed development conforms with the policies and procedures of the WAC, RCW and with the regulations of Chapter 23.60, Seattle Shoreline Master Program.

The project as proposed meets the specific standards for development in the Urban Stable environment. It also conforms to the general development standards, as well as the requirements of the underlying zone, and therefore should be approved.

Pursuant to the Director's authority under Seattle's Shoreline Master Program, to ensure that development proposals are consistent with the policies and procedures, and conforms with specific development standards of the underlying zone, and having established that the proposed use and development are consistent with the Seattle Shoreline Program, the proposal, is hereby approved.

DECISION - SHORELINE SUBSTANTIAL DEVELOPMENT

DPD **GRANTS** the Shoreline Substantial Development Permit.

Conditions – None.

ANALYSIS – STATE ENVIRONMENTAL POLICY ACT (SEPA)

The initial disclosure of the potential impacts from this project was made in the environmental checklist and threshold determination (dated November 2, 2004) submitted by SDOT. The information in the checklist, plans, supplemental information submitted by the applicant, and the experience of the Department with the review of similar projects form the basis for this analysis and decision.

SMC 25.05.660 allows for conditioning of a project to "mitigate the environmental impact" based upon "mitigation measures...related to specific, adverse environmental impacts clearly identified in an environmental document on the proposal". In addition, the City may also rely on the analysis and mitigation program from other federal, state or local agencies if the City finds that said analysis and mitigation provides "adequate analysis of and mitigation for the specific adverse environmental impacts of the project action…, the City as lead agency shall not impose additional mitigation…"

The SEPA Overview Policy (SMC 25.05.665) establishes the relationship between codes, policies, and environmental review. Specific policies for specific elements of the environment, certain neighborhood plans, and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority. The Overview Policy states in part: *"where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation"* (subject to some limitations).

Under certain limitations/circumstances (SMC 25.05.665 D 1-7) mitigation can be considered. Thus, a more detailed discussion of some of the impacts is presented below.

Short - Term Impacts

The following temporary or construction-related impacts are expected:

- decreased air quality due to suspended particulates from construction activities and hydrocarbon emissions from construction vehicles and equipment;
- increased dust caused by construction activities; potential soil erosion and potential disturbance to subsurface soils during grading, excavation, and general site work;
- increased traffic and demand for parking from construction equipment and personnel;
- conflicts with normal pedestrian and vehicular movement adjacent to the site;
- increased noise; and
- consumption of renewable and non-renewable resources.

Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these are: Stormwater, Grading and Drainage Control Code (grading, site excavation and soil erosion); Street Use Ordinance (watering streets to suppress dust, removal of debris, and obstruction of the pedestrian right-of-way); and the Noise Ordinance (construction noise). The Environmental Critical Areas (ECA) ordinance and Director's Rules (DR) 3-93 and 3-94 regulate development and construction techniques in designated ECAs (There is a mapped steep slope environmentally critical area on the west side of the bridge near the south approach, but no work is proposed for that area). Compliance with these applicable codes and ordinances will reduce or

eliminate most of the short-term impacts to the environment. Other impacts may not be adequately mitigated by existing ordinances, as discussed below.

Air Quality

Puget Sound Clean Air Agency (PSCAA) regulations require control of fugitive dust to protect air quality. Compliance with PSCAA regulations will mitigate the potential adverse short term impacts to air associated with new construction. In addition, BMPs to address air quality issues during construction are incorporated into the project per the discussion in response to SMC 23.60.152 A and B, above. Therefore, no further mitigation pursuant to SEPA policies in SMC 25.05.675A is warranted.

Construction Impacts

SMC 25.05.675B provides policies for the limitation of construction related impacts. In addition, there are several City codes that will provide authority to evaluate and address impacts of the project, including the City's ECA ordinance, the Stormwater, Grading and Drainage Control Code and the City's Shoreline Code. The Stormwater, Grading and Drainage Control Code provides extensive conditioning authority and prescriptive construction methodology to assure safe construction techniques are used.

As discussed in the response to SMC 23.60.152 A and B, above, the applicant's consultant prepared a Biological Assessment (BA) of the project, which is attached as Appendix A of the SEPA checklist. The BA provides a detailed construction sequence and best management practices (BMPs) which will be implemented as part of the project. These BMPs will be included as requirements in the contract specifications and are summarized in the previous response, above.

Therefore, pursuant to the City's SEPA authority under SMC 25.05.675B, the use of the construction sequence plan and BMPs as described in Appendix A will likely mitigate the adverse construction related impacts anticipated under SMC 25.05.675B.

Noise

Temporary construction-related noise will be generated during demolition and construction of this project. According to the SEPA checklist submitted by the applicant, noise levels are expected to remain within the levels allowed under the City of Seattle's Noise Ordinance (SMC 25.08). It is expected that *most* construction noise will be limited to the period between 7:00 am and 10:00 pm on weekdays. The applicant will be using micropile construction, which uses drilling rather than pile driving (and is a quieter form of construction), to reduce noise impacts of the project.

It is anticipated that the girder replacement operation and pouring the bridge deck, and potentially some mechanical and electrical work, may take place on weekends between Friday evening at 8:00 PM and 5:00 AM on Monday morning to shorten the overall construction time frame. Variances from Seattle's Noise Ordinance (SMC 25.08) would need to be granted to allow for weekend, evening and nighttime

work. According to DPD's Noise Specialist, granting of Noise Variances would be subject to the following conditions:

- All trucks performing export haul shall have rubber bed liners between the hours of 10:00 PM and 7:00 AM weekdays and 10:00 PM and 9:00 AM weekends and holidays. Holidays are defined as: New Years Day, Memorial Day, Fourth of July, Labor Day, Thanksgiving Day and the day after, and Christmas Day.

- No back up warning devices after 10:00 PM to 7:00 AM weekdays, 10:00 PM to 9:00 AM weekends, the contractor may use a backup observer in lieu of backup warning devices as allowed by WAC 296-155-610(2)(f)(ii);

- No impact work between the hours of 10:00 PM and 8:00 AM weekdays and 10:00 PM and 9:00 AM weekends.

- Noise barriers will be placed around all noise generating stationary equipment. Lighting and other stationary equipment such as generators, air compressors, or any other similar equipment used for nighttime work shall be directed away from on coming traffic and residences, and shall be shielded, should the Project Engineer deem shielding to be necessary.

- Any material or debris that spill on the pavement shall be removed by hand or by sweeping. Contractor shall employ no scraping type of equipment or activity to clean pavement surfaces during nighttime hours;

- Notify all adjacent residential use properties 72 hours in advance of starting project.

- Use radios for long range communication between crews.

- Establish a noise complaint hotline for nighttime construction work.

- The temporary noise variance can be revoked if the variance conditions have not been adhered to, and/or a substantial number of people have been annoyed.

DPD may disallow evening, weekend and nighttime construction if the conditions above are not followed and/or public complaints warrant such prohibition. No further conditioning is necessary pursuant to SEPA Construction Impacts Policy (SMC 25.05.675 B).

Traffic, Parking and Pedestrian/Bicycle Circulation During Construction

Please see pages 25 through 33 of the SEPA Checklist and the Traffic Analysis Support Final Technical Memorandum (Appendix C) for a detailed discussion of construction-related impacts on traffic, parking, and pedestrian/bicycle circulation during construction, summarized below.

During reconstruction of the bridge approach structures, the existing four lane bridge deck would be narrowed to a two-lane section (one travel lane each direction) for nine (9) months, thereby reducing the traffic capacity of the bridge by approximately 50 percent. The results of this "partial closure" would be a redistribution of traffic to alternate routes such as the Aurora Bridge (SR 99), Ballard Bridge (15th Ave NW), and potentially Eastlake Avenue East on the east side of Lake Union. SDOT is planning a series of mitigation measures to address congestion and mobility levels for the affected routes. These measures would remain in place after project completion and are shown in Table 1 of Appendix C (page 2). The mitigation measures include:

- Prohibit northbound left turns at Fremont Ave. N. and N. 34th St. (Peak hours)
- Prohibit eastbound left turns at Fremont Ave. N. and N. 35th St.
- Extend EB left turn at Fremont Ave. N./Evanston/ N. 36th St.
- Add new signal at Fremont Place/ Evanston/N. 36th St.
- Convert Evanston to two-way operations
- Add new signal at Fremont Ave. N/N 36th St.
- Add new signal at SR 99 northbound off-ramp/Bridge Way
- Add new signal at SR 99 southbound on-ramp/Bridge Way
- Add northbound left turn at Stone Way and Bridge Way N.

In addition, to mitigate traffic impacts to the Ballard Bridge resulting from the partial closures of the Fremont Bridge, the timing of signals will be manipulated throughout construction to accommodate the volumes as necessary. Traffic conditions will be monitored throughout construction and adjustments made as necessary. (Per email from SDOT to DPD, dated 12/17/04.)

Construction activities, planned and temporary road closures and detours, and the schedule for these activities are being coordinated with the City of Seattle Fire and Police Departments and the School District as well as King County Metro Transit.

Regarding parking, some on-street spaces may be removed temporarily during construction. These include a total of approximately twelve to fifteen spaces in three different locations. Depending on other ongoing traffic improvement projects, these removals may become permanent, or become unnecessary (i.e., street widening unrelated to the Fremont Bridge work may result in retention of spaces.) Please see pages 29 and 30 of the SEPA Checklist for more information.

Regarding pedestrian and bicycle circulation, please see response to SMC 23.60.818 - Regulated public access in the UG Environment, above.

Construction-related truck trips to the site will vary, depending on the type of work being performed and the fleet inventory of the contractors performing the work. Project engineers estimate that truck activity going to or coming from the construction site will range from a low of approximately four trucks per day during micropile installation to a high of approximately six trucks per hour during concrete pours on the north and south approach decks. Concrete pours and finishing are anticipated to be 12 to 16

hours in duration for each half of the north and south approaches. SDOT anticipates four large concrete pours with durations of 12 to 16 hours and two pours of less than 12 hours.

Because the scale of the project is of a substantial size, the temporary demand on the on-street parking in the vicinity due to construction workers' vehicles may be adverse. Construction at the site will require access to the site by significant numbers of construction workers. In order to minimize impacts on parking, the applicant will be required to provide off-street parking (not on the adjacent neighborhood streets) for construction workers, as a condition of project approval. Construction parking may be provided either on-site, or off-site with workers shuttled to the site. A construction parking plan, identifying the location of construction worker parking and subject to approval by the DPD Land Use Planner, will be required as a condition of project approval.

Long-term Impacts

Long-term or use-related impacts from the proposal are expected to be minimal. The bridge approaches are being replaced in the same locations with no increase in height or width. The purpose of the project is to replace the existing approach structures; therefore the completed project will not generate additional vehicular trips beyond the existing volumes.

Archeological/Historic/Cultural Resources

There are five historic resources within the area of potential effect for the project. These include the Fremont Bridge (including the approaches) which is listed on the National Register of Historic Places, and the McKenzie Building, the McKenzie Apartments, the Bleitz Funeral Home and the "Waiting for the Interurban " sculpture which are all listed on the City of Seattle historic inventory.

The "Waiting for the Interurban" sculpture will be temporarily relocated to a storage area during the replacement of the northern approach, to protect it during construction. It is estimated that the sculpture will be in storage for approximately 9 to 12 months. It will be returned to its original location after completion of the project.

The City of Seattle's Department of Neighborhoods (DON) has reviewed the proposed plans and determined that the proposed seismic retrofit of the concrete piers that is being proposed on parts of the approach structures qualifies as in-kind maintenance and repair and does not require a Certificate of Approval from their department. The remainder of the work is not subject to the Landmarks Preservation Board approval.

The Federal Highway Administration (FHWA), in conjunction with the City of Seattle, Washington State Department of Transportation (WSDOT), and the Washington State Office of Archaeology and Historic Preservation (OAHP), has determined that the Fremont Bridge Approach Replacement Project will have an adverse effect on the Fremont Bridge, in particular the approaches and the four steel trolley poles scheduled for removal. The parties are currently negotiating a Memorandum of Agreement to resolve the adverse effect. A copy of the Final MOA will be required to be submitted to DPD, as a conditional of approval of this project.

Because a portion of the proposal site is located with the identified U.S. Government Meander Line, the potential exists for discovery of previously unknown archeological significant resources. DR 2-98

provides clarification of the SEPA Historic Preservation Policy for potential archeologically significant sites (SMC 25.05.675.H) and requirements for archeological assessments. Therefore, in the event such resources are found during construction, the proposal will be conditioned pursuant to DR 2-98 and as noted at the end of this report.

Public View Protection

No views will be altered or obstructed as a result of the replacement of the approaches.

CONDITIONS – SEPA

The owner(s) and/or responsible party(s) shall:

Prior to Issuance of Master Use Permit

1) A final copy of the Memorandum of Agreement between FHWA, WSDOT, OAHP and the City of Seattle, regarding the Fremont Bridge Approach Replacement Project shall be submitted to DPD, as a condition of approval of this project.

Prior to Issuance of Building Permit

2) In order to mitigate construction-related parking impacts, a construction parking plan identifying the location of parking for construction workers, shall be submitted to DPD for approval by the Planner as a condition of approval of this project.

During construction

3) Implement the construction-worker parking plan, required above.

4) If resources of potential archaeological significance are encountered during construction or excavation, the owner and/or responsible parties shall:

- Stop work immediately and notify DPD (Molly Hurley, 206-684-8278) and the Washington State Archaeologist at the State Office of Archaeology and Historic Preservation (OAHP).
- Follow the procedures outlined in Appendix A of DR 2-98 for assessment and/or protection of potentially significant archeological resources.
- Abide by all regulations pertaining to discovery and excavation of archaeological resources, including but not limited to Chapters 27.34, 27.53, 27.44, 79.01 and 79.90 RCW and Chapter 25.48 WAC, as applicable, or their successors.

Signature: (signature on file) Date: February 10, 2005

Molly Hurley
Land Use Planner

MMH:rgc
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